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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,346	12/03/2001	Harry A. Glorikian	P696C1	4095

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EXAMINER
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BHATIA, AJAY M

ART UNIT	PAPER NUMBER
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2145

MAIL DATE	DELIVERY MODE
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07/26/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/006,346

Applicant(s)

GLORIKIAN, HARRY A.

Examiner

Ajay M. Bhatia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

***Response to Arguments***

Applicant's amendments to the claims fail to overcome the rejection.

Examiner notes that this is applicant's ninth round of examination, should applicant present allowable claims examiner would note their allowability, but presently applicant has not submitted claims that overcome the prior art. Examiner would also like to note that this case is a child of 09/474458, which was allowed. Also it appears applicant is well aware of what subject might be considered allowable based on the previous mentioned case. It may also be helpful if applicant reviews the prior art of record and associated sub classes of the prior art to understand the scope of the related art when drafting additional responses and amendments. Please also note that 706.02 if the MPEP requires that examiner apply the best art available, each time the applicant amends that examiner must reconsider the best art available.

Applicant argues category or sub-category. Giniger shows this in the figure 2 information selection types I, II , III ..., the specification in Col. 8 lines 54-65 also defines this information as subset of information. Also examiner notes that applicant has made use of very broad terminology and it appears applicant's interpretation is very specific. Examiner notes if applicant wishes for a more specific interpretation that the terminology of the claim must be more specific, otherwise the examiner is required to interpret the claims as broadly as possible in light of the specification. Therefore the rejection is maintained.

In Col. 12 lines 20-31 Giniger discusses the information changing based upon position trend. Therefore Giniger anticipates claim 11 and 20.

Examiner notes that applicant has filed a petition to correct an improperly filed terminal disclaimer.

***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 8-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Giniger et al.

(U.S. Patent 6,199,045).

For claim 8, Giniger teaches, an information system for delivering position-related information to a portable digital appliance, comprising:

a tracking system for tracking position of the appliance; (Giniger, Col. 8 lines 35-53, gps)

a data repository comprising data entities each identified by position within one or more bounded regions and by different information subject categories or specific sub-categories; (Giniger, Col. 8 lines 54-65, A1)

and a client profile recording specific information subject categories or specific sub-categories of interest for a user of the digital appliance; (Giniger, abstract, user preferences, Col. 8 lines 54-65, A1, subset, figure 2)

wherein the information system selects data entities from the data repository to be provided to the appliance according to the position of the appliance and the specific information subject or specific sub-categories of interest of the digital appliance and indicated in the client profile. (Giniger, Col. 8 lines 54-65, A1, subset, figure 2)

For claim 9, Giniger teaches, the information system of claim 8 wherein the position of the appliance is a geographic position on the surface of the Earth. (Giniger, Col. 8 lines 35-53, gps)

For claim 10, Giniger teaches, the information system of claim 8, wherein the data repository stores data identified by geographic regions and sub-regions within the bounded regions and position of the appliance within a sub-region is used to select information to be provided to the appliance. (Giniger, Col. 8 lines 54-65, A1, subset)

For claim 11, Giniger teaches, the information system of claim 8 wherein the tracking system also records change in position relative to time, and wherein information retrieved and provided to the appliance is information associated with specific geographic positions, and is selected, at least in part, by the direction of movement of the appliance relative to one of the specific geographic positions. (Giniger, Col. 8 lines 35-53, gps, Col. 12 lines 20-31, position trend)

For claim 12, Giniger teaches, the information system of claim 8 wherein the information system communicates with the digital appliance on a wireless link. (Giniger, Col. 8 lines 15-27. cell)

For claim 13, Giniger teaches, the information system of claim 12 wherein the wireless link is a two-way link, and the appliance sends periodic requests for information to the information system. (Giniger, Col. 8 lines 15-27, cell, Col. 10 lines 29-37, refresh)

For claim 14, Giniger teaches, the information system of claim 13 wherein the periodic requests are automatically-generated. (Giniger, Col. 10 lines 29-37, refresh)

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For claim 15, Giniger teaches, the information system of claim 13 wherein the periodic request are manually generated by a user of the appliance. (Giniger, Col. 11 lines 7-20, user menu)

For claim 16, Giniger teaches, the information system of claim 8 wherein information is published to the appliance on a pre-arranged time period. (Giniger, Col. 11 lines 59-67, reevaluate position and transmission, Col. 12 lines 47-59, timer)

Claims 17-25 list all the same elements of claims 8-16, directed to the same invention.

Therefore, the supporting rationale of the rejection to claims 8-16 applies equally as well to claims 17-25.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Notice of references cited (if appropriate).

This is a RCE of applicant's earlier Application No. 10/006346. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay M. Bhatia whose telephone number is (571)-272-3906. The examiner can normally be reached on M-F 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jason Cardone  
Supervisor Patent Examiner  
Art Unit 2145